

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GEOVANNY ALGARIN

Plaintiff,

vs.

KROGER TEXAS, LP,

Defendant.

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CIVIL ACTION NO. 3:14-cv-00238-P

JOINT STATUS REPORT AND PROPOSED DISCOVERY CONTROL PLAN

Pursuant to the Court's April 9, 2014 Order, the parties submit this Joint Status Report and Proposed Discovery Control Plan Proposal:

I.

STATUS REPORT

Plaintiff's counsel, Daryoush Toofanian, and Defendant's counsel, D. Luke McMahan, conferred regarding the status of this case on April 23, 2014. The parties were unable to reach a settlement at this time. The parties agree that further settlement negotiations, including mediation, might be productive following some limited discovery.

II.

PROPOSED DISCOVERY PLAN

- (1) A proposed time limit to file motions for leave to join other parties and to amend the pleadings.**

April 13, 2015 – Any motions for leave to join additional parties must be filed.

April 13, 2015 – Any motion for leave to amend pleadings under Rule 15(a) must be filed.

(2) Proposed time limits to file various types of motions.

July 13, 2015 – All motions, including any objections to expert testimony, and motions for summary judgment must be filed.

(3) A proposed plan and schedule for discovery, including a time limit to complete discovery.

August 3, 2015 – Discovery requests must be served in time to permit response by this date. Discovery shall be conducted pursuant to the Federal Rules of Civil Procedure.

(4) A proposal for limitations, if any, to be placed upon discovery.

None at this time.

(5) A proposed time limit to designate expert witnesses.

May 4, 2015 – Plaintiff's deadline to disclose experts pursuant to Rule 26(a)(2).

June 8, 2015 – Defendant's deadline to disclose experts pursuant to Rule 26(a)(2).

(6) A proposed trial date, estimated number of days required for trial and whether a jury has been demanded.

The parties propose a trial date of **September 14, 2015**. The parties estimate 2-3 days will be necessary to complete trial. A jury has been demanded.

(7) A proposed date for commencing settlement negotiations.

The parties anticipate conducting further settlement negotiations following completion of discovery. The parties have agreed to mediate with Mark Gilbert and propose a mediation deadline of **February 9, 2015**.

- (8) Whether the parties will consent to trial (whether jury or nonjury) before U.S. Magistrate Judge Renee Toliver. (See 28 U.S.C. § 636 (c); and 636(c)(3)).**

The parties will not consent to a trial before the magistrate judge.

- (9) Whether the parties are considering mediation or arbitration to resolve this litigation and if not, why not.**

The parties anticipate participating in mediation following some limited discovery.

- (10) Any other proposals regarding scheduling and discovery that the parties believe will facilitate expeditious and orderly preparation for trial.**

May 23, 2014 - The parties agree to exchange Initial Disclosures as required by FRCP 26(a)(1).

- (11) Any other matters relevant to the status and disposition of this case.**

None.

Respectfully submitted,

/s/ Daryoush Toofanian

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to counsel of record in this cause pursuant to and in accordance with the Federal Rules of Civil Procedure on May 7, 2014:

/s/ D. Luke McMahan
D. Luke McMahan